

Appl. No. 10/748,527
Amdt. dated April 17, 2006
Reply to Office Action of October 17, 2005

PATENT

REMARKS/ARGUMENTS

Claims 30-38 were pending. Claims 1-29 were previously cancelled. Claims 30 and 38 are amended and no claims are cancelled. Thus, claims 30-38 remain pending.

In the Office Action, the Examiner rejected claims 30-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-16 and 18-20 of *Anderman et al.* (U.S. Patent No. 6,669,148). A terminal disclaimer is provided to overcome this rejection. The Examiner also rejected claims 30-36 under 35 USC §102(b) as being anticipated by *Okamoto et al.* (U.S. Patent No. 5,005,786) and claims 37-38 under 35 USC §103(a) as being unpatentable over *Okamoto*.

Claim 30 is amended to clarify that the at least two docking ports are configured to allow the supply canister to be driven by one of the docking elements into position for docking to the other of the docking elements. This feature is supported by the specification as originally filed. See, for example, paragraph [25] and the figures for the application. Applicant submits that claim 30 is allowable over *Okamoto* as *Okamoto* fails to disclose or suggest that the docking ports could be configured as claimed. For example, *Okamoto*'s pressurized module 70 in its Fig. 6 has docking ports 76 and 77 that might be considered ports. It should be clear from the figure that pressurized module 70 cannot be driven from docking port 76 to dock with another element via docking port 77 and vice versa. In other words, it does not appear to be possible to connect to pressurized module 70 at docking port 76 and steer it into place to dock it at docking port 77, or vice versa.

The Examiner asserted that the unreferenced connector that connects pressurized module 70 and exposed facility 71 is a claimed docking port. Applicant submits that any such connector is not, in fact, a docking port even if exposed facility 71 and pressurized module 70 were not connected prior to launch. Furthermore, there is no suggestion that exposed facility 71 could be a docking element.

Appl. No. 10/748,527
Amdt. dated April 17, 2006
Reply to Office Action of October 17, 2005

PATENT

As a result, claim 30 is allowable over Okamoto. Claims 31-36 depend from claim 30 and are allowable for at least the above reasons.

Applicant submits that claim 37 is allowable over Okamoto as Okamoto fails to disclose or suggest each element of that claim. For example, Okamoto fails to disclose or suggest the claimed at least two docking ports adapted to allow for simultaneous docking of two docking elements, including a first docking port at a first axial location of an approximate cylinder that is a Cone docking port and a second docking port at a second axial location opposite the first axial location that is a Probe docking port. One reason why this cannot be used to teach the claimed element is that exposed facility 71 is not attached to pressurized module 70 via a docking port.

Applicant submits that claim 38 is allowable over Okamoto as Okamoto fails to disclose or suggest each element of that claim. For example, Okamoto fails to disclose or suggest the claimed at least two docking ports adapted to allow for simultaneous docking of two docking elements, including a first docking port that is a Cone docking port and a second docking port that is a Probe docking port, wherein the supply canister is adapted to be docked to an intermediate space vehicle at the Cone docking port and one or both of a launch vehicle and a powered space platform at the Probe docking port simultaneously. One reason why this cannot be used to teach the claimed element is that exposed facility 71 is not attached to pressurized module 70 via a docking port and there is no suggestion of an adaptation to one or both of a launch vehicle and a powered space platform at the Probe docking port simultaneously.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

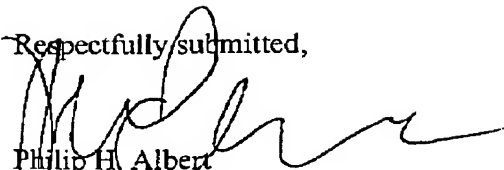
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Appl. No. 10/748,527
Amdt. dated April 17, 2006
Reply to Office Action of October 17, 2005

PATENT

Dated: 4/17/06

Respectfully submitted,


Philip H. Albert
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 Fax: 415-576-0300
PHA:djb
60634921 v1